

REMARKS

Claims 61-115 are pending and have been restricted under 35 U.S.C. § 121 into the following two groups:

Group I: Claims 61-66 and 89-94, drawn to a method of reducing the severity of a proliferative disorder and a method of reducing cancer recurrence by administering paricalcitol; and

Group II: Claims 67-88 and 95-115, drawn to a method of reducing the severity of a proliferative disorder and reducing cancer recurrence by administering a combination of paricalcitol and an anti-cancer agent.

The Examiner requests that one of the groups of claims be elected for examination. Although the Restriction Requirement is traversed for the reasons set forth below, Applicants elect the claims of Group II, claims 67-88 and 95-115, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group II from the claims of Group I. While the claims of Groups I and II are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. This is further indicated by the classification of the claims of Groups I and II in the same class (class 514). In particular, Groups I and II have been classified in the same class and subclass (class 514, subclass 167). Thus, a search of the claims of Group II will, of necessity, reveal information relevant to the examination of the claims of Group I and, therefore, division of the claims into these groups would result in duplicative searches. Therefore, examination of the claims of Group II with the claims of Group I together should not be an undue burden on the Examiner.

The Examiner has additionally requested that a species election be made. Applicants elect the species prostate cancer (species H). The claims readable on the elected species include claims 67, 69, 70, 74, 76, 78, 80, 81, 83, 85, 87, 95-97, 101, 103, 105, 107, 108, 110, 112 and 114.

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Applicants elect the claims of Group II, claims 67-88 and 95-115, for examination. Applicants respectfully request that the Restriction Requirement be reconsidered and that the claims of Group II be examined with the claims of Group I. Applicants further elect the species prostate cancer (species H). The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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